



CANNON BUILDING  
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**STATE OF DELAWARE**  
**BOARD OF CHIROPRACTIC**

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<b>PUBLIC MEETING MINUTES:</b>	<b>Board of Chiropractic</b>
<b>MEETING DATE AND TIME:</b>	<b>Tuesday, April 3, 2014 at 8:30 a.m.</b>
<b>PLACE:</b>	861 Silver Lake Boulevard, Dover, Delaware <b>Conference Room B</b> , second floor of the Cannon Building
<b>MINUTES APPROVED:</b>	June 5, 2014

**MEMBERS PRESENT**

Dr. Arthur Travis, Professional Member  
Dr. Brian Chandler, Professional Member, Complaint Officer  
Jill Morrison, Public Member  
Lois Dunning, Public Member  
Marceline Knox, Public Member

**MEMBERS ABSENT**

Dr. Christopher Baldt, Professional Member, Secretary  
Dr. Kelly Keener, Professional Member, President

**DIVISION STAFF/DEPUTY ATTORNEY GENERALS PRESENT**

Kevin Maloney, Deputy Attorney General  
LaTonya Brown, Administrative Specialist II

**OTHERS PRESENT**

Dr. Alan Cohen, applicant  
Dr. Scott Rosenthal

**CALL TO ORDER**

Dr. Chandler called the meeting to order at 8:39 a.m.

**REVIEW OF MINUTES**

A motion was made by Dr. Travis, seconded by Ms. Dunning to approve the meeting minutes of December 5, 2013. The motion carried unanimously.

**INTRODUCTION**

Ms. MacAfee introduced herself to the Board as the new Deputy Director.

**UNFINISHED BUSINESS**

**Proposal to Deny Hearing- Alan Cohen**

The Proposal to Deny Hearing for Mr. Cohen went on record at 8:41am with introductions of the Board members. Mr. Cohen had no objection to proceed at 8:41a.m. Mr. Cohen was sworn in at 8:43 a.m. The Board questioned Mr. Cohen about his past disciplines. Mr. Cohen presented the Board with his testimony. The Board went off record at 9:15 a.m. for deliberations. The hearing resumed at 9:25 a.m.

with Dr. Travis making the motion, seconded by Dr. Chandler, to approve Dr. Cohen's application. Ms. Morrison abstained from the vote.

### **NEW BUSINESS**

#### **Review and Discussion of Consent Agreement-Dr. James Ferraro**

A motion was made by Dr. Chandler, seconded by Ms. Dunning, to accept the Consent Agreement of Dr. Ferraro. Ms. Morrison opposed.

#### **Ratifications of Applications**

A motion was made by Dr. Chandler, seconded by Dr. Travis, to approve the applications of Judith Strouse, Adam Dennison, Stephen Black, Julie Scanlon, Kelly Brown, and Alexander Bridwell. The motion carried unanimously.

#### **Review of Applications**

A motion was made by Dr. Chandler, seconded by Dr. Travis, to approve the application of Stephen Lininger. The motion carried unanimously.

#### **Elections**

The Board voted to table Elections until the June 5, 2014 Board meeting.

#### **Review of Continuing Education Courses**

A motion was made by Dr. Chandler, seconded by Ms. Knox, to approve the continuing education course Craniofacial Technique. The motion carried unanimously.

### **COMPLAINT STATUS**

06-01-12	Assigned to Board
06-05-12	Assigned to Board
06-08-12	Assigned to Board
06-09-12	Referred to AG
06-01-13	Assigned to Board
06-02-13	Open
06-04-13	Open
06-06-13	Referred to AG
06-07-13	Referred to AG
06-08-13	Referred to AG
06-09-13	Closed

### **OTHER BUSINESS BEFORE THE BOARD (for discussion only)**

#### **Possible Regulation Amendment (3.2)**

Mr. Maloney will have the Amendment done at the June 5, 2014 meeting.

#### **Proposed regulation regarding instrument assistant adjustments**

Dr. Rosenthal presented the Board with his suggestions on changing the Delaware Code to include in the word by hand or instrument when it comes to an adjustment. Dr. Rosenthal feels that the law should reflect that because when the laws were written back when instrument adjustment was in its infancy and it is now a part of everyone's practice. Dr. Chandler explained that the Board has discussed this previously and they are all in favor of adding this law to the language to make sure it is clear. Dr. Travis referenced Delaware Law §701(b) and recommended adding new words. Mr. Maloney explained the process for making a statutory change and suggested adopting an interpretive regulation. Mr. Maloney suggested including a section 1.2 and it could state: "The practice of Chiropractic includes but not limited to: instrument adjustment/manipulation". Mr. Maloney will have the proposed regulation for the Board to review at the next meeting.

### **CORRESPONDENCE**

#### **Email from Bruce Abelson**

Ms. Brown presented the Board with an email from Mr. Abelson regarding Chiropractic Teleradiology. Mr. Abelson questioned if RPI is allowed to receive chiropractic teleradiographic (digital) images without

license in Delaware. The Board's response is no, not to their knowledge and advised him to seek legal opinion from his council. Also Mr. Albelson questioned if there are any special rules or regulations that RPI would need to know about before acquiring images from referring doctors. The Boards response is no, not to their knowledge and advised him to seek legal opinion from his council.

Email from David Colarusso

Ms. Brown presented the Board with an email from Dr. Colarusso regarding the use of needle electromyography as an electro diagnostic tool and whether it's within the scope of Chiropractic in Delaware. The Board decided to table this inquiry until the next meeting.

Email from Kelly Webb

Ms. Brown presented the Board with an email from Ms. Webb questioning if companies offering radiological interpretation and analysis services need to be licensed to receive digital teleradiographic images in Delaware. The Boards response is no, not to their knowledge and advised Ms. Webb to seek legal opinion. Also Ms. Webb questioned if the Delaware Board has any rules and regulations regarding solicitation of accident victims. Mr. Maloney suggested that Ms. Webb contact the Insurance Commissioner's office and referred Ms. Webb to 6.0 of the Board rules and regulations. He also advised her to seek legal opinion.

**PUBLIC COMMENT**

Dr. Rosenthal suggested that he would like to see Delaware become congruent with neighboring states as well as Delaware. He stated that the DE Medical Board allows 24 CEU's to be done online as does the Board of Chiropractic in PA and Maryland. Delaware has a limit of only 6 hours of the 24 CEU's that can be done online. He questioned why the Board of Chiropractic should be treated differently than any other Healthcare professionals in Delaware. Ms. Morrison stated that she feels that people learn more and get more information when they have hands on instead of sitting behind the screen. Ms. Dunning agreed with Ms. Morrison. Dr. Travis and Dr. Chandler expressed their concerns and feel that manipulation technique should be done in a live setting. As far as the diagnostic, imaging, documentation, and nutrition they suggest that maybe they could be done online. Ms. Knox agreed that some areas, such as manipulation should be done in person. Dr. Chandler stated that providing a higher level of service to clients and making sure that the Chiropractors get the best possible education and training is important. Dr. Rosenthal suggested allowing all 24 hours online if they are in the subjects of nutrition, imaging, or documentation. Also, if the hours are done for technique/manipulation they must maintain at least 12hours of the 24 hours. Dr. Chandler stated that he is comfortable with the 24 hours being online, as long as it is not technique and if it is technique oriented, it needs to be hands on. Ms. Morrison stated that she will not agree to all CEUs being done online. The Board talked about changing section 2.1.6 to state, "Required CE can be taken online, with the exception of technique (and list the techniques)". Mr. Maloney and the Board decided to table this issue regarding section 2.1.6 till the next Board meeting.

Ms. Brown handed out documents to the Board from Mr. Rosenthal regarding Title 18 of the Insurance Code. Mr. Rosenthal wanted the Board to clarify Title 18 of the Insurance Code, Chapter 64 §6417. Mr. Maloney stated that it is not the Board's jurisdiction to clarify or interpret the Insurance Code.

**NEXT MEETING**

The next Board meeting is scheduled for June 5, 2014.

**ADJOURNMENT**

There being no further business before the Board, a motion was made by Dr. Chandler, seconded by Ms. Morrison, to adjourn the meeting. The motion carried unanimously. The meeting adjourned at 11:14 am.

Respectfully submitted,



LaTonya Brown  
Administrative Specialist II